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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,838	02/25/2000	Connie Blackburn	LUCENT-00301	7160

28960 7590 12/11/2003
HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE, CA 94086

EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/11/2003

27

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.

09/512,838

Applicant(s)

BLACKBURN ET AL.

Examiner

Quoc D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/29/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 24&26.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 6-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gross et al (6,493,438).

Consider claim 1, Gross et al teach a billing system automatically charging a call to a predetermined telephone line comprising a service (i.e., platform) configured to received an incoming call from a calling party and to initiate an outgoing call to a called party (col. 2 lines 57-67; col. 3 lines 21-28; col. 4 line 66 – col. 5 line 10); a switch coupled to a predetermined telephone line configured to store information in response to triggering event (col. 7 lines 25-49); and a control point (i.e., DAP) coupled to the service, the calling party, and the switch wherein the control point is configured to activate the triggering event in response to receiving an appropriate signal from the service and to transfer the incoming call from the service to the called party such that the calling party and the called party are connected, wherein the billing information corresponding to the incoming call is stored in the switch and the stored billing information is used to charge the predetermined telephone line (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48).

Consider claim 2, Gross et al teach the system wherein the service is a voice messaging system (col. 3 lines 21-29).

Consider claim 3, Gross et al teach the system further comprising an additional switch coupled to the control point configured to transfer the call from the service to the called, party wherein the calling party and the called party are connected and the service is disconnected (col. 7 lines 55-67; Fig. 7).

Consider claim 4, Gross et al teach the system wherein the predetermined telephone line is set as a specific telephone line by the calling party (col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13). It should be note that if the subscriber originates the call, then the charges for the extension of the call will be bill to the subscriber's account.

Consider claim 18, Gross et al teach system wherein the control point activates the triggering event in response to the service initiating the outgoing call to the called party (7 lines 7-49).

Consider claim 19, Gross et al teach the system wherein the switch is configured to transfer the call from the service to the called party wherein the calling party and the called party are connected and the service is disconnected (col. 7 lines 55-67; Fig. 7).

Consider claim 20, Gross et al teach the system wherein the stored billing information includes a call duration of the new call and a particular feature utilized during the new call (col. 8 lines 8-13). It should be noted that it is inherent for BDR to include such information in order to bill the subscriber for the extension call.

Consider claim 21, Gross et al teach the system wherein the calling party is not at the predetermined telephone line (col. 2 lines 36-67; col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13).

Consider claim 22, Gross et al teach the system wherein the calling party is at the predetermined telephone line (col. 2 lines 36-67; col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13).

Consider claim 6, Gross et al teach a method of billing a call to a predetermined telephone line wherein a user initiates a call from a calling party to a called party through a service, comprising the following steps conveying data from the service to a control point, wherein the data indicates the predetermined telephone line, and the called party, and the calling party (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48); temporarily routing the call to a switch associated the predetermined telephone line (col. 7 lines 55-67; Fig. 7); forming a new call originating from the calling party and terminating at the called party; storing billing information related to the new call on the switch associated with the predetermined telephone line in response to a signal initiated by the server and automatically billing the new call to a predetermined telephone line using the stored billing information (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48).

Consider claim 7, Gross et al teach the method further comprising activating a terminating attempt trigger in the switch associated with the predetermined telephone line (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48).

Consider claim 8, Gross et al teach the method wherein storing billing information on the switch is in response to activating the terminating attempt trigger (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48).

Consider claim 9, Gross et al teach the method wherein storing billing information on the switch includes a call duration of the new call and a particular feature utilized during the new

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call (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48). It should be noted that it is inherent for BDR to include such information in order to bill the subscriber for the extension call.

Consider claim 10, Gross et al teach the method further comprising setting a telephone line as the predetermined telephone line (col. 2 lines 36-67; col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13).

Consider claim 11, Gross et al teach the method wherein the calling party is not at the predetermined telephone line (col. 2 lines 36-67; col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13).

Consider claim 12, Gross et al teach the method wherein the calling party is the predetermined telephone line (col. 2 lines 36-67; col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13).

Consider claim 13, Gross et al a method of billing a call to a predetermined telephone line wherein a user initiates the call through a service from a calling party to a called party, comprising the following steps conveying call data from the service to a control point wherein the control point is coupled to the calling party, the predetermined telephone line, and the called party (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48); terminating the call to the service (col. 7 lines 1-4); forming a new call to link the calling party to the called party; storing billing information related to the new call on the switch associated with the predetermined telephone line in response to a signal initiated by the server and automatically billing the new call to a predetermined telephone line using the stored billing information (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48).

Consider claim 14, Gross et al teach the method further comprising temporarily connecting the call to the predetermined telephone (col. 7 lines 55-67; Fig. 7).

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Consider claim 15, Gross et al teach the method further comprising the following steps terminating the call to the predetermined telephone line; and automatically querying the service control point via a terminating attempt trigger located within the switch associated with the predetermined telephone line in response to terminating the call to the predetermined telephone line (col. 7 lines 7-24).

Consider claim 16, Gross et al teach the method wherein storing the billing information related to the new call on the switch is in response to querying the service control point (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48).

Consider claim 17, Gross et al teach the method wherein the stored billing information includes call duration of the new call and a particular feature utilized during the new call (col. 8 lines 8-13). It should be noted that it is inherent for BDR to include such information in order to bill the subscriber for the extension call.

Consider claim 23, Gross et al teach the method wherein the calling party is not at the predetermined telephone line (col. 2 lines 36-67; col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13).

Consider claim 24, Gross et al teach the method wherein the calling party is the predetermined telephone line (col. 2 lines 36-67; col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13).

Response to Arguments

3. Applicant's arguments with respect to claim 9/29/2003 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Facsimile responses should be faxed to:

(703) 872-9306

Hand-delivered responses should be brought to:

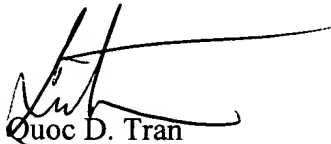
Crystal Park II, 2121 Crystal Drive

Arlington, VA., Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(703) 306-0377**.



Patent Examiner AU 2643

December 3, 2003